

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:05CR32
)	
vs.)	ORDER
)	
SCOTT JANICEK,)	
)	
Defendant.)	

This matter is before the court on the motion of defendant Scott Janicek (Janicek) to be released to a drug treatment center (Filing No. 80). The court held a hearing on the motion on September 13, 2005. Janicek was present with his attorney, J. William Gallup, and the government was represented by Assistant U.S. Attorney Maria R. Moran.

The court heard the testimony of Officer Joseph E. Baudler (Officer Baudler) of the Omaha Police Department (OPD) and received into evidence the following exhibits: Exhibits 1-3, OPD reports; Exhibit 4, an FBI 302 report; Exhibit 5 an OPD Incident Report on Janicek's arrest; and Exhibit 6, a audio disk of recorded telephone conversations. The court also took judicial notice of the Pretrial Services report along with a drug evaluation of Janicek.

The evidence establishes that Janicek was trafficking in large quantities of methamphetamine with various individuals which involved large amounts of cash; that Janicek secreted large amounts of cash, and that Janicek intimidated and threatened witnesses in this case. Release to drug treatment would not assure the safety of the community or witnesses and would not assure Janicek's presence for further proceedings.

Janicek's motion for release (Filing No. 80) is denied.

IT IS SO ORDERED.

DATED this 16th day of September, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge